

UNITED STATES BANKRUPTCY COURT District of New Jersey
Caption in Compliance with D.N.J. LBR 9004-1(b) Albert Russo Cn 4853 Trenton, NJ 08650 (609) 587-6888
In re: Philip K. Wagner, III Debtor(s)



Order Filed on August 15, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-32083 / CMG

Hearing Date: 08/02/2017

Judge: Christine M. Gravelle

Chapter: 13

ORDER CONFIRMING MODIFIED CHAPTER 13 PLAN

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: August 15, 2017


Honorable Christine M. Gravelle
United States Bankruptcy Judge

The modified plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such modified plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

ORDERED that the modified plan of the above named debtor, dated 06/29/2017, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

ORDERED that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 36 months.

ORDERED that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$2,852.00 PAID TO DATE

\$413.00 for 28 months beginning 8/1/2017

ORDERED that the case is confirmed with a calculated plan funding of \$14,416.00. General unsecured creditors are scheduled to receive a pro-rata dividend of funds available.

ORDERED that the Standing Trustee shall be authorized to submit, ex-parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

ORDERED that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

ORDERED that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

ORDERED that to the extent Section 7 of the debtor's plan contains motions to avoid judicial liens under 11 U.S.C. § 522(f) and/or to avoid liens and reclassify claims in whole or in part, such motions are hereby granted, except as specified below:

NO EXCEPTIONS

ORDERED that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

ORDERED that the Standing Trustee is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a).

ORDERED that section(s) 7(b) is stricken from the Chapter 13 Plan.

ORDERED that student loans are to be paid outside of the Chapter 13 Plan.

ORDERED that the debtor(s) must obtain a loan modification by 11/31/2017 or as extended by Loss Mitigation Order.

- Creditor BANK OF AMERICA FUNDING CORP, PACER claim #5-1, will be paid through the Chapter 13 Plan until an Amended Proof of Claim is filed.

ORDERED as follows:

DEBTOR'S COUNSEL TO FILE A SEPARATE MOTION TO AVOID JUDGEMENT LIEN OF
SEAVIEW ORTHOPAEDIC.

Order Confirming Chapter 13 Plan

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Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Philip K. Wagner, III
Debtor

Case No. 16-32083-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 15, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 17, 2017.

db Philip K. Wagner, III, 606 Coolidge Ave, Toms River, NJ 08753-7846

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 17, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 15, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor Banc of America Funding Corporation 2007-2, U.S. Bank National Association, as Trustee dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Francesca Ann Arcure on behalf of Creditor Specialized Loan Servicing LLC, as servicing agent for U.S. Bank National Association, as Trustee of the Banc of America Funding Corporation (BAFC) 2007-2 Trust nj_ecf_notices@buckleymadole.com

Marc C. Capone on behalf of Debtor Philip K. Wagner, III mcapone@caponeandkeefe.com, docs@caponeandkeefe.com

TOTAL: 4